

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14794 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Upendra Singh, aged about 49 years, male, S/o Thakur Singh, Resident of
Village- Ramgarh, P.S.- Baikunthpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-06-2020 Heard Mr. Arbind Kumar Singh, learned counsel for

the petitioner and Md. Aslam Ansari, learned APP for the

State.

The petitioner seeks bail in anticipation of his
arrest in connection with Baikunthpur P.S. Case No. 25 of
2020, dated 01.02.2020, instituted for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It appears that 360.540 litres of liquor was
recovered from a mustard field said to be belonging to the
petitioner.

It has been submitted on behalf of the petitioner



that the recovery is from an open field. Since the recovery is not from an enclosed space, the factum of recovery cannot be saddled upon the petitioner, even though the land belongs to him.

The petitioner has clean antecedent.

Considering the nature of accusation against the petitioner, he, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Cum-Special Judge, Excise Act, Gopalganj in connection with Baikunthpur P.S. Case No. 25 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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